

### REMARKS/ARGUMENTS

Claims 3, 10-19, 21, 23 and 24 have been cancelled without prejudice. Claims 25-29 have been added.

Entry of new Figure 3 does not constitute new matter because the flow chart shown in this figure is summarizing actions performed by the master configurer 202 as described at paragraphs 0009-0028 and claim 1 of the present application.

### 35 U.S.C. § 102(e) Rejections

Examiner rejected claims 10, 12, 15-18, 23 and 24 under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication No. 2002/0184484 (hereinafter Abboud). The Applicants respectfully disagree. However, claims 10, 12, 15-18, 23 and 24 have been canceled without prejudice at this time.

### 35 U.S.C. § 103(a) Rejections

Examiner rejected claims 1-7, 9, 14 and 19-22 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 2002/0184484 (hereinafter Abboud) in view of U.S. Patent No. 6,735,548 (hereinafter Huang). The Applicants respectfully disagree and submit the following argument in favor of their position.

As understood by the Applicants, Abboud is directed to a server storing multiple server application configurations in one partition. As directed by a user, these partitions can be switched into being the operational configuration of the server.

As further understood by the Applicants, Huang is directed to calculating availability of various network elements. To do this, a user can model the existing network topology, and the availability analyzer then uses the network topology to collect availability data and calculate availability metrics of the network elements represented in the network topology.

In contrast, claims 1 requires, *inter alia*, “configuring network settings for one or more servers in the network into a digital image, the configuration of the network settings based upon the design of the network [, and] building the digital image for at least one of the servers in the network.”

First, the design of the network required by claim 1 differs from the network topology in Huang in that the design of the network in claim 1 refers to a new design to be implemented, not the network design as current. As the context of Huang differs greatly from the context of the present application, Huang also does not teach or suggest the network setting for servers should be configured based on the network design.

Abboud also fails to teach this limitation. Furthermore, Abboud also fails to teach or suggest the automated “building the digital image,” as required by claim 1. The images and configurations in Abboud are all built by a user and transferred to the server after manual construction. They are not built automatically based on network design, as required by claim 1. Of course, since Huang is not concerned with server configuration images, it naturally also does not teach or suggest this limitation.

Therefore, claim 1 is allowable. Claims 2 and 4-9 depend from allowable claim 1 adding further limitations, and are thus also allowable. Claim 20 includes limitations similar to allowable claim 1, and is therefore also allowable. Claim 22 depends from allowable claim 20 adding further limitations, and is thus also allowable. New claim 25 includes limitations similar to allowable claim 1, and is therefore also allowable. Claims 26-29 depend from allowable claim 25 adding further limitations, and are thus also allowable.

#### 35 U.S.C. § 103(a) Rejections

Examiner rejected claim 8 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 2002/0184484 (hereinafter Abboud) in view of U.S. Patent No. 6,735,548 (hereinafter Huang) and further in view of U.S. Patent No. 6,751,658 (hereinafter Haun).

The Examiner only uses Haun to teach transferring an image in response to a net boot request. However, since claim 1 is allowable, as explained above, claim 8 depending on allowable claim 1 adding further limitation is also allowable.

CONCLUSION

Applicant(s) respectfully submit the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Adam Furst at (408) 947-8200.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

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**Amendments to the Drawings:**

The attached sheet of drawings includes a new Figure 3.

Attachment:            Replacement Sheet